

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. 11-03038-01-CR-S-RED
)
ADAM HAMMOND,)
)
Defendant.)

MOTION FOR CONTINUANCE

Comes now Defendant, Adam Hammond, by counsel, and moves this Court, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B), to remove this case from the scheduled trial setting of August 1, 2011, and to continue this case until the October 24, 2011, Joint Criminal Trial Docket.

SUGGESTIONS IN SUPPORT

1. Defendant was charged in a two-count Indictment on May 11, 2011. Defendant appeared before the Honorable James C. England, United States Magistrate, in Springfield, Missouri. Judge England appointed the Federal Public Defender's Office for the Western District of Missouri to represent Defendant on May 23, 2011.

2. Defendant requires additional time to review the discovery in this case and investigate the evidence that has been provided by the Government. Furthermore, undersigned counsel has been informed by the Government that they may file a superceding indictment that may include a count that has a higher mandatory minimum sentence. Additional time is needed to discuss this possible superceding indictment with the Government, with all hopes of coming to a resolution in this case.

3. This continuance is not sought for purpose of dilatory delay, but is sought in truth and fact so that the Defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), it is submitted that a continuance outweighs the best interests of the public and the Defendant to a speedy trial, which is required by 18 U.S.C. § 3161(c)(1).

4. Under the provisions of 18 U.S.C. § 3161(h)(8)(A), the period of time until the requested criminal trial docket setting should be excluded in computing the period of time in which the Defendant should be brought to trial under the provisions of the Speedy Trial Act.

5. The Defendant has been advised of his right to a speedy trial. Defendant fully agrees with this requested continuance. Counsel is in the process of obtaining a signed Waiver of Right to Speedy Trial from Defendant and will submit same to this Court with all possible speed.

6. Defense counsel has contacted Assistant United States Attorney James J. Kelleher, who does not oppose this continuance.

WHEREFORE, the Defendant respectfully requests this Court, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B), to remove this case from its scheduled trial setting of August 1, 2011, and to continue this case until the October 24, 2011, Joint Criminal Trial Docket.

Respectfully submitted,

/s/ Ian A. Lewis
IAN A. LEWIS, #52819
Assistant Federal Public Defender
901 St. Louis Street, Suite 801
Springfield, Missouri 65806
(417) 873-9022
Attorney for Defendant

July 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent e-mail notification of such filing to all CM/ECF participants in this case, and a copy was mailed, via the United States Postal Service, to all non-CM/ECF participants.

/s/ Ian A. Lewis
IAN A. LEWIS